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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/033,862	12/20/2001	Pat Yananton	GC-463	1298

7590 02/25/2004

Parker & DeStefano  
Suite 300  
300 Preston Ave  
Charlottesville, VA 22902

EXAMINER
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SHAW, ELIZABETH ANNE

ART UNIT	PAPER NUMBER
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3644

DATE MAILED: 02/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/033,862

Applicant(s)

YANANTON, PAT

Examiner

Elizabeth A. Shaw

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 20 December 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-69 is/are pending in the application.
- 4a) Of the above claim(s) 7-19, 21-28, 32, 34, 35, 37-40, 43, 44, 46 and 48-69 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 36, 41, 42, 45 and 47 is/are allowed.
- 6) ☒ Claim(s) 16-, 20, 29-31, 33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 12/20/01.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Election/Restrictions***

Applicant's election of claims 1-6, 20, 29-31, 33, 36, 41, 42, 45 and 47 in Paper No. 11/12/03 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

Claims 7-19, 21-28, 32, 34, 35, 37-40, 43, 44, 46 and 48-69 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected anti-odor pouch and method claims, there being no allowable generic or linking claim. Election was made **without** traverse in Paper No. 11/12/03.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Kumlin (5,482,007). Kumlin shows a particle entrapment pad 26 having an impervious bottom layer 29 and a high loft non-woven layer 23.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kumlin in view of Loeb (5,152,250). Kumlin does not show the use of a cling enhancing substance. Loeb shows a litter 11 which is treated with a substance to enhance cling such as oil, see column 3, lines 1-4. With respect to claim 2, to use the cling enhancing substance of Loeb with the particle entrapment pad of Kumlin would have been obvious to one skilled in the art in order to prevent particles from bouncing free of the pad.

Claims 4 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kumlin in view of Kiebke (5,126,980). Kumlin does not disclose the use of baking soda or odor-counteractive agent. Kiebke shows a litter composition containing baking soda or sodium bicarbonate and a deodorizer, see column 3, lines 56-67. With respect to claims 4 and 6 to use the baking soda and deodorizer of Kiebke with the particle entrapment pad of Kumlin would have been obvious to one skilled in the art in order to control any odors which might develop from the particles trapped within the pad.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kumlin in view of Goss et al (6,039,004). Kumlin does not disclose the use of an anti-microbial agent. Goss et al teach the use of an anti-microbial agent with the animal litter. With respect to claim 5, to use the anti-microbial agent of Goss et al with the particle entrapment pad of Kumlin would have been obvious to one skilled in the art in order to provide a more sanitary area for the animal and more sanitary clean up for the owner.

Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kumlin in view of Harris (6,050,223). Kumlin does not show the pad in use with a litter box.

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Harris shows a litter mat 10 placed adjacent to a cat litter box 34, see figure 6. With respect to claim 20, to use the pad placement of Harris with the particle entrapment pad of Kumlin would have been obvious to one skilled in the art in order to trap particles brought out from the litter box on the animal's feet.

Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kumlin in view of Cordani (5,834,104). Kumlin does not show the pad in use in workshops. Cordani shows a pad 10 having a non-woven absorption layer 23 and an impervious bottom layer 24 which is used in workshops, see figures 1, 2. With respect to claim 29, to use the pad placement of Cordani with the particle entrapment pad of Kumlin would have been obvious to one skilled in the art in as a replacement of functional equivalents.

Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kumlin in view of Bishop (6,453,502). Kumlin does not teach the use of the pad for cleaning. Bishop shows a cleaning pad for cleaning surfaces having a non-woven top layer 24 and bottom layer 22. With respect to claim 30, to use the pad of Kumlin with the function of Bishop would have been obvious to one skilled in the art as a replacement of functional equivalents.

Claim 33 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kumlin. With respect to claim 33, to use the pad of Kumlin with a pet food or water dish would have been obvious to one skilled in the art in order to keep the animal's eating area more sanitary especially if the animal is a messy eater.

***Claim Objections***

Claim 33 is objected to because of the following informalities: claim 33 is dependent from claim 7 which is not among the elected claims. Claim 33 has been treated as if it depends from claim 1. Appropriate correction is required.

***Allowable Subject Matter***

Claims 36, 41, 42, 45 and 47 are allowed.

***Conclusion***

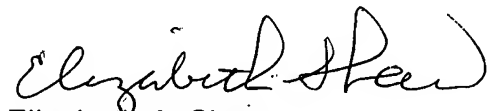
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Included for further reference on litter pads are: Brazzell (3,752,121), Shizuno et al (5,525,397), Walker (5,819,688), Link et al (6,386,143) and Adolfsson et al (6,532,897).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elizabeth A. Shaw whose telephone number is 703-308-1853. The examiner can normally be reached on M-Th 9:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Jordan can be reached on 703-306-4159. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Elizabeth A. Shaw  
Examiner  
Art Unit 3644

February 20, 2004



**PETER M. POON**  
**SUPERVISORY PATENT EXAMINER**